

## REMARKS

Claims 1-29 have been canceled and new claims 29-40 have been added

Claim 29 recites a greenhouse comprising a substantially transparent surface and a protective coating on said substantially transparent surface where the protective coating comprises a pigment and a binder. The binder comprises a vinyl polymer based on one or monomers selected from the group consisting of methyl metacrylate, butyl acrylate, 2-ethylhexyl acrylate, ethyl acrylate, styrene, methacrylic acid and acrylic acid having a molecular weight of 10,000-100,000 and an acid value of 40-250. The binder has a polydispersity of 2-6 and a glass transition temperature of 10 to 60°C.

EP 578498 (EP '498) does not disclose the protective coating of the present application, and further does not disclose application of a coating to the substantially transparent surface of a greenhouse. Specifically, EP' 498 fails to disclose "A greenhouse comprising: a substantially transparent surface; and a protective coating comprising a pigment and a binder, wherein the binder has the parameters outlined in claim 30, and that the protective coating is removable with a removing agent comprising a base and a complex former.

In order for a reference to "reasonably suggest" a specific composition, the reference must indicate which parameters of experimentation are critical to success or provide an indication of the direction of likely success as opposed to leading a person skilled in the art to try each of numerous combinations. In re O'Farrell, 853 F.2d 498 (Fed. Cir. 1988). The '498 fails to provide any "blazemark" which points the art to such commercially acceptable vinyl polymers as claimed in the instant application. In re Rushig, 379 F.2d 990, 994-95, 154 USPQ 118, 122 (CCPA 1967). The '498's description of use of a composition for a protective film for agricultural uses similarly teaches away from the instant application, as the protective film described therein is for packaging purposes, not for application to a substantially transparent surface of a greenhouse to protect against radiation.

US 6,218,074 (US '074) describes a protective coating designed for photoimageable resins for printed circuit board manufacturing, which is different from application to a

transparent surface of a greenhouse. US '074 provides no guidance to select the particular features of the instant claims nor does it describe application of a protective coating to a substantially transparent surface of a greenhouse.

The coatings of EP '498 and US '074 are for completely different technological areas that are dealing with completely different problems. One of ordinary skill in the art would not have considered the non-analogous technologies described in EP '498 and US '074 as interchangeable. Any modification of the protective coating of EP '498 to include the adhesion promoters and thickeners of US '074 is improper as it is based on hindsight afforded by the instant application. In re Geiger, 815 F.2d 686, 687 (Fed. Cir. 1987).

EP 478067 (EP '067) discusses only a single specific embodiment. While EP '067 may discuss vinyl polymers in general, it fails to disclose the important determination that a vinyl polymer can be used as a binder for a commercially acceptable protective coating that has "a weight-average molecular weight of 10,000-100,000 and an acid value of 40-250, wherein the binder has a polydispersity of 2-6 and a glass transition temperature of 10 to 60 °C, and wherein the protective coating is on said substantially transparent surface and the protective coating is removable with a removing agent comprising a base and a complex former." EP '067 most assuredly does not provide any "blazemark" which points the art to such commercially acceptable vinyl polymers. In re Rushig, 379 F.2d 990, 994-95, 154 USPQ 118, 122 (CCPA 1967). Nor does it point the art to the use of a vinyl polymer as a binder in a commercially acceptable protective coating with the specific limitations of the instant application when styrene-maleic anhydride is used.

As pointed out in the July 24, 2002 Declaration of Mr. Bertels (an inventor in the instant application and EP '067 – copy attached), the only specific product in EP '067 is outside the scope of the present invention and does not possess the advantages of the instant application. The superior properties of the protective coating having a vinyl polymer with a binder having "a weight-average molecular weight of 10,000-100,000 and an acid value of 40-250, wherein the binder has a polydispersity of 2-6 and a glass transition temperature of 10 to 60 °C, and wherein the protective coating is on said substantially transparent surface and the protective coating is removable with a removing agent comprising a base and a complex former," are not disclosed in

EP '067.

Attached is a product sheet for the specific polymer SMA 2565 disclosed in EP '067, it is attached hereto. This product sheet confirms the statements in the declaration of July 24, 2002.

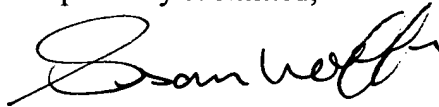
EP 533367 (EP '367) discloses forming a protective coating on products to protect such products during transport and from the environment. EP '367 fails to disclose a greenhouse comprising a "substantially transparent surface; a protective coating comprising a pigment and a binder, the binder comprising a vinyl polymer based on one or more of the monomers selected from the group consisting of methyl metacrylate, butyl acrylate, 2-ethylhexyl acrylate, ethyl acrylate, styrene, methacrylic acid and acrylic acid, having a weight-average molecular weight of 10,000-100,000 and an acid value of 40-250, wherein the binder has a polydispersity of 2-6 and a glass transition temperature of 10 to 60 °C, and wherein the protective coating is on said substantially transparent surface and the protective coating is removable with a removing agent comprising a base and a complex former."

The protective coating of EP '367 neither describes inclusion of a pigment in the protective coating nor the application of the protective coating on a transparent surface of a greenhouse. Further, EP '367 fails to describe a protective coating with the properties as the protective coating of the instant application. EP' 367 is designed to protect the substrate to which it is applied from corrosion, it was not designed, and is not suitable for use in a greenhouse to protect the greenhouse's contents from solar radiation. The protective coating of EP '367 is clearly designed for different purposes and has significant different from the protective coating of the instant application.

**CONCLUSION**

Examination of the instant claims is requested. In addition, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,



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## ABSTRACT OF THE DISCLOSURE

A greenhouse comprising: a substantially transparent surface; a protective coating comprising a pigment and a binder. The binder comprises a vinyl polymer based on one or more of the monomers selected from the group consisting of methyl methacrylate, butyl acrylate, 2-ethylhexyl acrylate, ethyl acrylate, styrene, methacrylic acid and acrylic acid, having a weight-average molecular weight of 10,000-100,000 and an acid value of 40-250. The binder has a polydispersity of 2-6 and a glass transition temperature of 10 to 60 °C. The protective coating is on said substantially transparent surface and the protective coating is removable with a removing agent comprising a base and a complex former.